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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/779,814

02/18/2004

J. Edwin Clark

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MCDERMOTT WILL & EMERY LLP
600 13TH STREET, N.W.
WASHINGTON, DC 20005-3096

EXAMINER

PHILIPPE, GIMS S

ART UNIT

PAPER NUMBER

2621

MAIL DATE

DELIVERY MODE

12/05/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/779,814

Applicant(s)

CLARK ET AL.

Examiner

Gims S. Philippe

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

This is a first Office action in response to application no. 10/779,814 filed on February 18 2004 in which claims 1-32 are presented for examination.

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

The USPTO "Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility" (Official Gazette notice of 22 November 2005), Annex IV, reads as follows:

Claims that recite nothing but the physical characteristics of a form of energy, such as a frequency, voltage, or the strength of a magnetic field, define energy or magnetism, per se, and as such are nonstatutory natural phenomena. O'Reilly, 56 U.S. (15 How.) at 112-14. Moreover, it does not appear that a claim reciting a signal encoded with functional descriptive material falls within any of the categories of patentable subject matter set forth in Sec. 101.

... a signal does not fall within one of the four statutory classes of Sec. 101.

... signal claims are ineligible for patent protection because they do not fall within any of the four statutory classes of Sec. 101.

2. Claim(s) 14, 15, 18 and 26 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter as follows.

Claims 14, 15, 18 and 26 define a program product with descriptive material. While "functional descriptive material" may be claimed as a statutory product (i.e.; a "manufacture") when embodied on a tangible computer readable medium, a program

product embodying that same functional descriptive material is neither a process nor a product (i.e., a tangible "thing") and therefore does not fall within one of the four statutory classes of § 101. Rather, "signal" is a form of energy, in the absence of any physical structure or tangible material.

The applicant must amend the Specification to cancel the "carrier wave" as disclosed in paragraph [0062] of the current application. When the claims are interpreted in light of the specification, such items will raise a non-statutory concern (See lines 14-18 of [0061]).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1, 9, 14, 15, 18 and 26 are rejected under 35 U.S.C. 102(e) as being anticipated by Vincent (US Patent no. 7,050,102).

Regarding claims 1, 9, 14, 15, 18 and 26, Vincent discloses a method of obtaining and presenting video surveillance information, comprising: over a period of time, receiving position and orientation telemetry regarding operation of a camera mounted on a moveable surveillance platform (See Vincent col. 2, lines 43-49, col. 4, lines 44-50 and col. 19, lines 58-64); processing the telemetry to determine a view of the camera over the period of time; displaying over time, the determined view of the camera on a user interface (See 4, lines 55-67, col. 5, lines 1-12); detecting a user selection of a view via the user interface, the selected view corresponding to a portion of the period of time (See Vincent col. 5, lines 49-51); formulating an information request indicating the corresponding portion of the period of time (See col. 24, lines 44-50); sending the information request to a facility having access to stored video information received from the camera, over the period of time; receiving one or more frames of video information generated by the camera, from the facility, the one or more frames containing actual image data taken by the camera during the corresponding portion of the period of time and corresponding to the user selected view (See Vincent col. 30, lines 10-36); and displaying the received one or more frames of video information to the user (See col. 26, lines 1-17).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2-8, 10, 16, 19-25 and 27, are rejected under 35 U.S.C. 103(a) as being unpatentable over Vincent (US Patent no. 7,050,102) in view of Lemelson et al. (US Patent no. 6,608,559).

Regarding claims 2-8 and 19-25, most of the limitations of these claims have been noted in the above rejection of claims 1, 9, 14, 15, 18 and 26.

It is noted that although Vincent discloses overlaying outlines of determined view of the camera, receiving user selection of a time interval referenced to the point in time to the selected display outline, and overlaying an indicator of a current location of a moveable surveillance (See Vincent Fig. 19, 20, 22 and col. 22, lines 41-67), it is silent about displaying a map of the geographic region under surveillance as specified in the claims.

However, Lemelson provides a moveable surveillance platform including the step of displaying a map of the geographic region under surveillance (See Lemelson col. 11, lines 14-23 and col. 12, lines 17-21).

Therefore, it is considered obvious that one skilled in the art at the time of the invention would recognize the advantage of modifying Vincent' surveillance system by incorporating Lemelson' step of displaying a map of the geographic region under surveillance. The motivation for performing such a modification in Vincent is to generate and locate the appropriate warning in a particular sector based on the warning message received as taught by Lemelson (See Lemelson col. 12, lines 2-6).

As per claims 10, 16, and 27, most of the limitations of these claims have been noted in the above rejection of claims 9, 15 and 26.

It is noted that Vincent is silent about indexing the digitized video signal as specified in the claims.

However, Lemelson provides a moveable surveillance platform including the step of digitizing a received analog signal, and storing the digitized indexed video signal (See Lemelson col. 12, lines 58-67, col. 13, lines 1, col. 15, lines 49-51).

Therefore, it is considered obvious that one skilled in the art at the time of the invention would recognize the advantage of modifying Vincent's surveillance system by incorporating the step of digitizing a received analog signal, and storing the digitized indexed video signal. The motivation for performing such a modification is to provide a database danger index which can be of great assistance in facilitating proper dispatch as taught by Lemelson (See Lemelson col. 16, lines 61-65).

7. Claims 11-13, 17 and 28-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vincent (US Patent no. 7,050,102) in view of Mottur et al. (US Patent no. 7,199,817).

Regarding claims 11-13 and 28-30, most of the limitations of these claims have been noted in the above rejection of claims 9 and 26.

It is noted that Vincent is silent about transmitting the notification messages periodically, and wherein each message contains information relating to the field of view of the camera as specified in the claims.

However, Mottur discloses a surveillance platform including the step including the step of transmitting the notification messages periodically, and wherein each message contains information relating to the field of view of the camera (See Mottur col. 1, lines 25-43, col. 2, lines 40-44 and col. 9, lines 30-45).

Therefore, it is considered obvious that one skilled in the art at the time of the invention would recognize the advantage of modifying Vincent's method of obtaining and presenting video surveillance information by incorporating Mottur's step of transmitting the notification messages periodically, and wherein each message contains information relating to the field of view of the camera. The motivation for performing such a modification in Vincent is to be able to perform monitoring function at all time even if the subject moves outside the camera field of view as taught by Mottur (See Mottur col. 1, lines 43-55).

As per claims 17, 31 and 32, most of the limitation of these claims have been noted in the above rejection of claims 15 and 26.

It is noted that Vincent is silent about user authentication as specified in the claims.

However, Mottur discloses a surveillance platform including the step including the step of providing user authentication (See Mottur col. 2, lines 44-51).

Therefore, it is considered obvious that one skilled in the art at the time of the invention would recognize the advantage of modifying Vincent's method of obtaining and presenting video surveillance information by incorporating Mottur's authentication step. The motivation for performing such a modification in Vincent is to establish a control interval for subscriber and non-subscribers as taught by Mottur (See Mottur col. 2, lines 47-52).

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

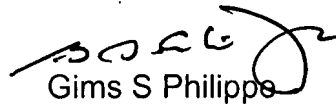
Esbensen (US Patent application Publication no. 2007/0022456 A1) teaches method and apparatus for surveillance using an image server.

Vaios (US Patent no. 6271752) teaches intelligent multi-access system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gims S. Philippe whose telephone number is (571) 272-7336. The examiner can normally be reached on M-F (10:30-7:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dastouri Mehrdad can be reached on (571) 272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Gims S Philippe
Primary Examiner
Art Unit 2621

GSP

December 4, 2007